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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,375	07/30/1999	RONEN CHAYAT	ITL.0151US (P6593)	9363
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EXAMINER				
AUGUSTIN, EVENS J				
ART UNIT		PAPER NUMBER		
3621				
MAIL DATE		DELIVERY MODE		
11/01/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/364,375

Applicant(s)

CHAYAT, RONEN

Examiner

EVENS J. AUGUSTIN

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to an amendment filed on August 10th, 2010. Claims 1 and 13 have been amended. Claims 24-30 have been cancelled. Claims 1-4, 6-15, 17-23 are pending and have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-15, 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cidon et al., (U.S. 5,343,473) ("Cidon") in view of Peterson (U.S. 5,825,876), and in further view of Taniguchi, (U.S. 6,222,841).
 - A. As per claims 1-4, 6-15, 17-23, Cidon teaches:
 - B. Identifying the type of data packets to be received, in this case high and low priority packets, fig. 2;
 - C. Figure 2 shows low priority packets being blocked/preempted by high priority packets, C5, L56-67;
 - i. Prior art by Cidon did not explicitly teach the aspect of secure/non-security data packets. In this case, the Examiner takes the position that

the high priority packet to secure packet and low priority packet to non-secure packet.

- ii. However, Peterson describes an invention in which a medium contains data with identifies that represent secure or non-secure data sets, C5, L30-39. Therefore, it would have been obvious for one of ordinary skill in the art to combine Cidon's reference with the teachings of the Peterson's. The motivation is that it places the high-priority packets into a high priority buffer 42 and places the low-priority packets into a low priority buffer (C7, L50-52).

- D. Receiving a plurality of data packets (figure 2);
- E. Determining which type of packet takes more time to process, identifying a packet of lower priority (e.g. a first type) that takes more time to process, identifying a packet of a higher priority (e.g. second type) that takes of the higher priority (e.g. less time to process) and,
- F. Transmitting packets of the lower priority (e.g. second type) before packets of the first type (column 1, lines 50-53; column 4, lines 5-30; column 8, lines 13-16).
- G. Cidon et al. also teach FIFO (column 1, lines 61-65), monitoring a queue in order to fetch one type of packet over another (column 1, lines 50-53; column 8, lines 13-16). Regarding linking packets (e.g. claim 7) it is inherent to packet switching that data to be transmitted from a sending node over a network is broken up into packets, the
- H. Packets are routed along different paths on the network, and reassembled at receiving node. In order to be reassembled, the packets are necessarily linked.

4. Cidon et al. do not explicitly recite how high priority is assigned. Taniguchi teaches a method for transmitting data packets across a network (abstract), based on a priority (figure 14; column/line 16/19-17/17; column/line 22/18-23/6) such as processing time (e.g. packet size, number of transmitted bytes) (column/line 18/62-19/8) or other user defined parameter (column 4, lines 3-10; column 16, lines 18-33; column 18, lines 14-32).
5. Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Cidon et al. and Taniguchi in order more effectively distribute audio and video data over a packet switching network ('841, column 7, lines 5-15).

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 6-15, 17-23 have been considered but are moot in view of the new ground(s) of rejection, necessitated by applicant's amendment.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Any new ground(s) of rejection is due to the applicant's amendment. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVENS J. AUGUSTIN whose telephone number is 571-272-6860. The examiner can normally be reached on 10am - 6pm M-F.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571)272-6779.

/Evens J. Augustin/
Evens J. Augustin
October 29, 2010
Art Unit 3621